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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,085	01/22/2002	Seiichirou Endou	3673-0128P	3443

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EXAMINER

GORDON, RAEANN

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/051,085

Applicant(s)

ENDOU, SEIICHIROU

Examiner

Raeann Gorden

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoshi et al (JP 10-248958) in view of Yamagishi et al (5,601,503). Regarding claims 1 and 8, Satoshi discloses a golf ball comprising a core and a cover. The hardness of the cover layer between 58 and 72 is an obvious feature since Satoshi discloses identical ionomers for the cover materials, Himilan 1557, 1605, 1652, 1705, 1706, 1707, 18855, 1856 and Iotek 7010, 8000. The golf ball has a diameter of 42.7 mm (para 28). Regarding claim 2, the core has a deformation from 2.5 to 4.5 mm with an initial load of 10 kgf and a final load of 130 kgf. Regarding claims 3 and 4, the core layer comprises a 100 parts of a polybutadiene rubber, 15-45 parts by weight of zinc acrylate, 0.2 to 5 parts by weight of an organic peroxide, and 0.05 to 3 parts by weight of an organic disulfide compound. Satoshi discloses dimples on the golf ball but does not disclose at least 50% of the dimple having a contour length greater than 11.6. Applicant defines the contour length ( $x$ ) as the diameter of the dimple ( $D$ ) multiplied by  $\pi$ . Solving for  $D$  gives a diameter of at least 3.5 mm to provide a contour length of at least 11.6 mm. Yamagishi discloses a golf ball with all dimple diameters from 2.5 to 4.4 mm. Regarding

claims 9 and 10, Yamagishi teaches from 300 to 550 dimples (col 3, lines 65-67).

Regarding claims 11 and 12, Yamagishi teaches at least 86% of the dimples with a diameter larger than 3.5 mm or contour of at least 11.6 mm (table 2). Regarding claims 1, 5, 6 and 7, the golf ball compressive deformation, initial velocity, and total distance of the golf ball are obvious features of Satoshi in view of Yamagishi since the material make up is the same for each layer as shown by Satoshi and the dimple dimensions are shown by Yamagishi. One skilled in the art would have modified Satoshi in view of Yamagishi to achieve the desired flight characteristics.

### ***Response to Arguments***

Applicant's arguments filed 2-3-03 have been fully considered but they are not persuasive. Applicant's arguments parallel the rejection over the prior art. Applicant states Satoshi does not include specific information regarding the dimple diameter and percentage. Applicant also states Yamagishi does not disclose the details regarding the interior of the golf ball. Applicant's assessment is correct. However, as stated in the rejection Satoshi is used as the primary reference, which discloses the features of the interior of the golf ball. Yamagishi is cited as a secondary reference to teach the dimple detail. Applicant further states the comparative examples of Yamagishi do not teach the dimple percentages. However, examples 1-4 are cited to teach applicant's dimple percentage and dimple contour.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 703-308-8354. The examiner can normally be reached on 7:30 AM to 5:00 PM Mon-Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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April 8, 2003



Mark S. Graham  
Primary Examiner